



City of NORFOLK

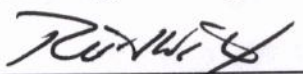
C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

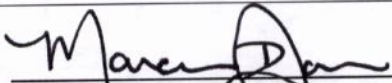
June 23, 2015

FROM: George M. Homewood, AICP CFM, Planning Director

SUBJECT: **The closing, vacating and discontinuing of portions of Minnesota Avenue**

REVIEWED: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 3/7

APPROVED: 
Marcus D. Jones, City Manager

Item Number:

PH-1

- I. **Staff Recommendation:** Approval
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Street closure of a portion of Minnesota Avenue from the southern line of Tait Terrace southwardly 130 feet.
- IV. **Applicant:** Robert Rivera
- V. **Description:**
 - The right-of-way to be closed is located within the Coleman Place neighborhood which is developed in this area with single family homes.
 - The right-of-way will be utilized to expand and improve the side yards of the adjacent residences.
 - An easement for the existing City of Norfolk utility facilities within the right-of-way has been reserved.
 - No fees have been charged for this street closure since it creates no new buildable lots.
- VI. Staff point of contact: Jeffrey Raliski at 664-4766, jeffrey.raliski@norfolk.gov

Attachments:

- Ordinance
- Staff Report to CPC dated May 28, 2015 with attachments
- Proponents and Opponents



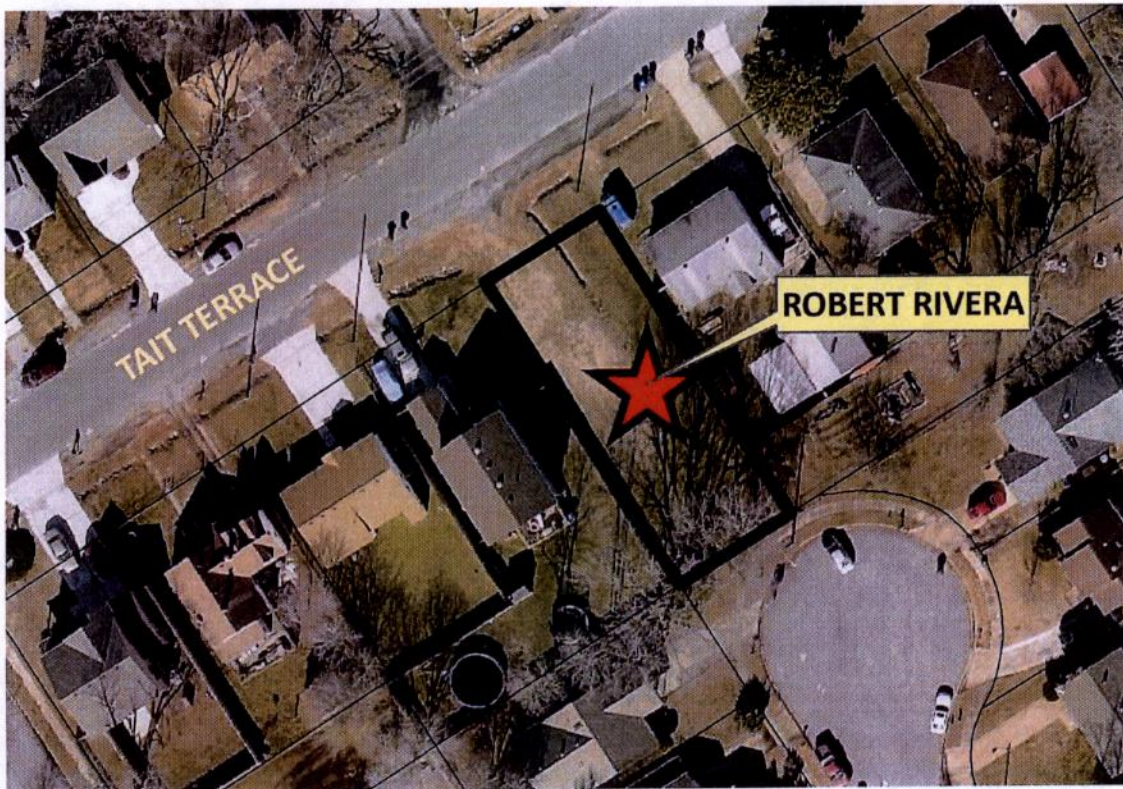
City of NORFOLK

Planning Commission Public Hearing: May 28, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Jeffrey K. Raliski, AICP

Staff Report	Item No. 11	
Applicant	Robert Rivera	
Request	Street Closure of a Portion of Minnesota Avenue	
Site Characteristics	Zoning	R-8 (Single Family)
	Neighborhood	Coleman Place
	Character District	Suburban
Surrounding Area	North	R-8: Single-Family, R-11: Multi-Family
	East	R-8: Single-Family
	South	R-8: Single-Family
	West	R-8: Single-Family



A. Summary of Request

- This agenda item is to close a portion of Minnesota Avenue from the southern line of Tait Terrace southwardly 130 feet.
- This unimproved right-of-way to be closed is located within the Coleman Place neighborhood which is developed in this area with single family homes.
- The right-of-way will be utilized to expand and improve the side yards of the adjacent residences.
- An easement for the existing City of Norfolk utility facilities within the right-of-way has been reserved.

B. Financial Impact

- No fees have been charged for this street closure since it creates no new buildable lots.
- The addition of the right-of-way to the adjacent parcels should positively impact the value of these properties.

C. Impact on the Environment

- Closure of this right-of-way will permit the adjacent property owners to better maintain the property.

D. Impact on Surrounding Area/Site

- Closure of this unimproved right-of-way will not create additional traffic in the Coleman Place neighborhood.
- The right-of-way proposed for closure is not an identified existing or planned pedestrian or bicycle route in Norfolk plans.

E. Civic League

- E-mails notices were sent to the adjacent civic leagues on April 15.

F. Community Outreach/Notification

- Letters were mailed to all property owners within 300 feet of the property on May 13.
- Legal notification was placed in *The Virginian-Pilot* on May 14 and May 21.

G. Recommendation

Staff recommends that the proposed closure of a portion of Minnesota Avenue be approved.

Attachments

- Location Map
- Zoning Map
- Civic League Contact Emails

Proponents

Robert Rivera
3615 Tait Terrace
Norfolk VA 23513

Heather Jones
3615 Tait Terrace
Norfolk VA 23513

Jennifer Ortiz Cliff
3701 Tait Terrace
Norfolk VA 23513

Edward Cliff
3701 Tait Terrace
Norfolk VA 23513

Opponents

Form and Correctness Approved

RAP

By [Signature]
Office of the City Attorney

AKC ✓

Contents Approved:

By [Signature]
DEPT. Planning

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A 50' PORTION OF MINNESOTA AVENUE SOUTH OF TAIT TERRACE AND AUTHORIZING THE CONVEYANCE TO THE ABUTTING PROPERTY OWNERS OF ANY INTEREST THE CITY MAY HAVE IN THE UNDERLYING FEE OF SAID 50' PORTION OF MINNESOTA AVENUE, CONTINGENT UPON THE SATISFACTION OF CERTAIN CONDITIONS.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the City Council has the authority to close, vacate and discontinue public rights of way; and

WHEREAS, the City of Norfolk has received an application for the closure of a 50' portion of Minnesota Avenue, 135'± in length, lying south of Tait Terrace, as more particularly described in Exhibit A and shown on Exhibit B, all of which are attached to and made a part of this ordinance; and

WHEREAS, the City requires a utility easement, twenty-five feet in width, as shown on Exhibits C and D attached hereto, which each of the abutting property owners has agreed to dedicate to the City; and

WHEREAS, after a public hearing, the City Planning Commission recommended that the said 50' portion of Minnesota Avenue be closed, vacated and discontinued; and

WHEREAS, the owners of the properties that abut the said portion of Minnesota Avenue to be closed have agreed to the closure of the said portion of the street and desire to obtain the underlying fee of the said portion of Minnesota Avenue to be closed; and

WHEREAS, the Council finding that the closure is for a yard expansion and not for creation of an additional buildable lot, hereby waives payment for the City's interest in the underlying fee of the said portion of Minnesota Avenue; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, which relate to the vacation of public rights of way, have been met; and

WHEREAS, it is the judgment of the Council that the said portion of Minnesota Avenue is not needed for public use and travel and should be closed, vacated and discontinued, contingent upon the satisfaction of certain conditions hereinafter set forth; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the 50' portion of Minnesota Avenue, 135'± in length, lying south of Tait Terrace, as more particularly described in Exhibit A and shown in Exhibit B, attached hereto, is hereby closed, vacated and discontinued as a public street of the City of

Norfolk, contingent upon the satisfaction of each of the following conditions:

1. The Applicant shall verify the existence of any private utilities within the right of way to be closed and, if private utilities do exist, the Applicant shall ensure that an easement or easements satisfactory to the affected utility company or companies are provided or other satisfactory arrangements made.

2. The Applicant shall ensure that any utility or other easement required by the City is dedicated to the City in recordable form satisfactory to the City Attorney.

3. The Applicant shall pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended.

Section 2:- That if the conditions set forth above have not been fully met within one year of the effective date of this ordinance, then this ordinance shall not be recorded and the closure of the said portion of Minnesota Avenue described in Exhibit A shall be considered null and void without further action by City Council.

Section 3:- That if all the above conditions have been fully met within one year of the effective date of this ordinance, then this ordinance shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, which recordation shall be an acknowledgement by the City that all conditions have been met, and upon such recordation, the said portion of Minnesota Avenue described herein shall be deemed closed, vacated and discontinued as public streets of the City of Norfolk.

Section 4:- That it is the intent of the Council that any interest the City may have in the underlying fee of said portion of Minnesota Avenue shall transfer to each of the abutting property owners, and the proper officers of the City are authorized to do all things necessary, including the delivery of quitclaim deeds, in form satisfactory to the City Attorney, to effect the transfer to each of the abutting property owners of any

interest the City may have in the underlying fee of the said portion of Minnesota Avenue.

Section 5:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

**Closure of 50' Portion of
Minnesota Avenue
For Council**



A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being an 50' portion of Minnesota Avenue and being further described as follows: BEGINNING at a point that is the intersection of southern right of way line of Tait Terrace and the eastern right of way line of Minnesota Avenue, said intersection being shown on a plat entitled, "Subdivision of all or Part of Blocks 5-7 & 24-26 Coleman Place (M. B. 6, P. 28 & M. B. 6, P. 61 – Ches.) and Portions of Denver Avenue & Oklahoma Avenue (Closed)," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 34, Page 117; thence, from the point of beginning thus described; being shown on an exhibit entitled, "Exhibit Sketch of Utility Easement for City of Norfolk," prepared by C. Allan Bamforth, Jr., dated November 11, 2014; thence, 135.00 feet, more or less, along the eastern right of way line of Minnesota Avenue to a point that is the southwest corner of Lot 5, Block 26, as shown on said subdivision plat; thence crossing Minnesota Avenue in a westerly direction and parallel to Tait Terrace, 50 feet, to a point being the northeast corner of Lot A, Block 25, as shown on the said subdivision plat; thence, northerly along the western right of way line of Minnesota Avenue, 135 feet, to a point in the southern right of way line of Tait Terrace; thence, easterly along the southern right of way line of Tait Terrace, 40 feet, to the point of beginning, all as shown on said exhibit.

The above-described parcel contains 0.155 acre of land, more or less.

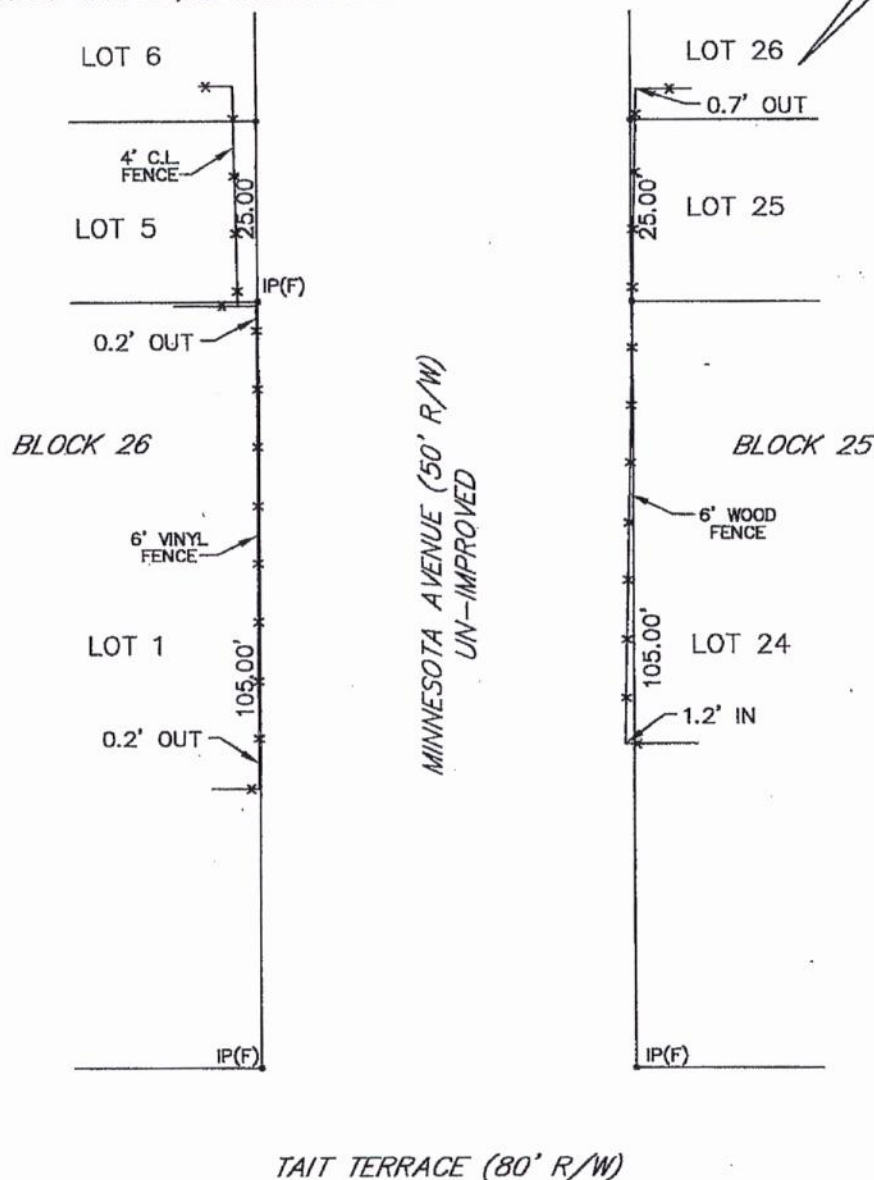
January 5, 2015

THIS IS TO CERTIFY THAT I, ON MAY 4, 2012, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED: *[Signature]*

NOTES:

- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X"(UN-SHADED) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0140F, REVISED SEPT. 2, 2009.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



PHYSICAL SURVEY
OF
PART OF MINNESOTA AVENUE
UN-IMPROVED RIGHT-OF-WAY
COLEMAN PLACE
NORFOLK, VIRGINIA
FOR
ROBERT RIVERA, III
WARD M. HOLMES
LAND SURVEYOR, P.C.
9225 GRANBY STREET
NORFOLK, VIRGINIA 23503
757-480-1230

DATE: MAY 4, 2012
SCALE: 1" = 20'
NOTE: FOR PLAT SEE
M.B.6 PG.61
CHESAPEAKE, VA.



DRAWN BY: DHH

PROJECT NO. 12-384

table:	
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- ① PORTION OF MINNESOTA AVENUE TO
BE CLOSED.

NOTES:

1. EASEMENT TO BE DEDICATED BY DEED.
2. THIS SKETCH IS BASED ON A FIELD SURVEY PERFORMED BY C. ALLAN BAMFORTH JR. ENGINEER-SURVEYOR, LTD. ON SEPTEMBER 2014 AND INFORMATION FOUND IN THE CLERK OF CIRCUIT COURT NORFOLK AND CHESAPEAKE.
3. THIS EXHIBIT SKETCH DOES NOT CONSTITUTE A SUBDIVISION OF LAND OR BOUNDARY SURVEY AND IS FOR THE SOLE PURPOSE OF EASEMENT DEDICATION.

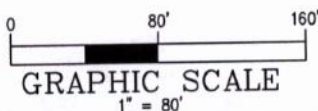
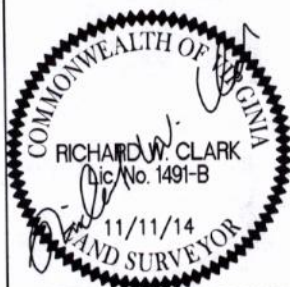


EXHIBIT SKETCH
OF
UTILITY EASEMENT
FOR
CITY OF NORFOLK

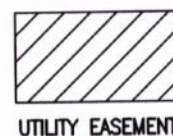
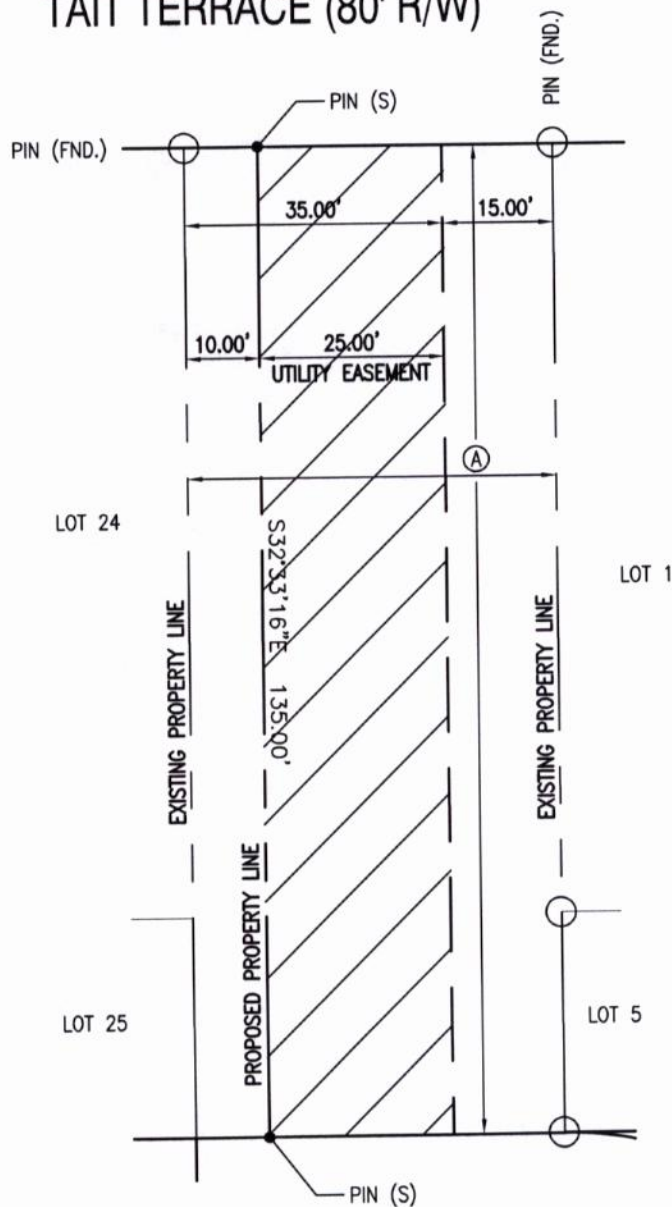
NORFOLK, VIRGINIA
SCALE: 1" = 80' NOVEMBER 11, 2014
SHEET 1 OF 2

C. ALLAN BAMFORD
ENGINEER - SURVEYOR
NORFOLK, VIRGINIA

tabbles

D

TAIT TERRACE (80' R/W)



NOTES:

- (A) PORTION OF MINNESOTA AVENUE TO BE CLOSED.

PIN (S) TO BE SET.

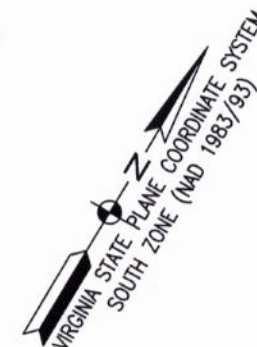
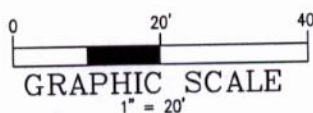
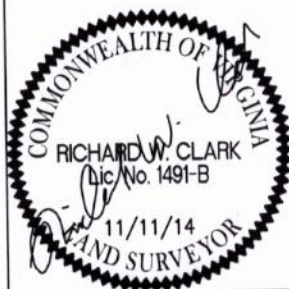


EXHIBIT SKETCH
OF
UTILITY EASEMENT
FOR
CITY OF NORFOLK

NORFOLK, VIRGINIA

SCALE: 1" = 20' NOVEMBER 11, 2014
SHEET 2 OF 2

Location Map

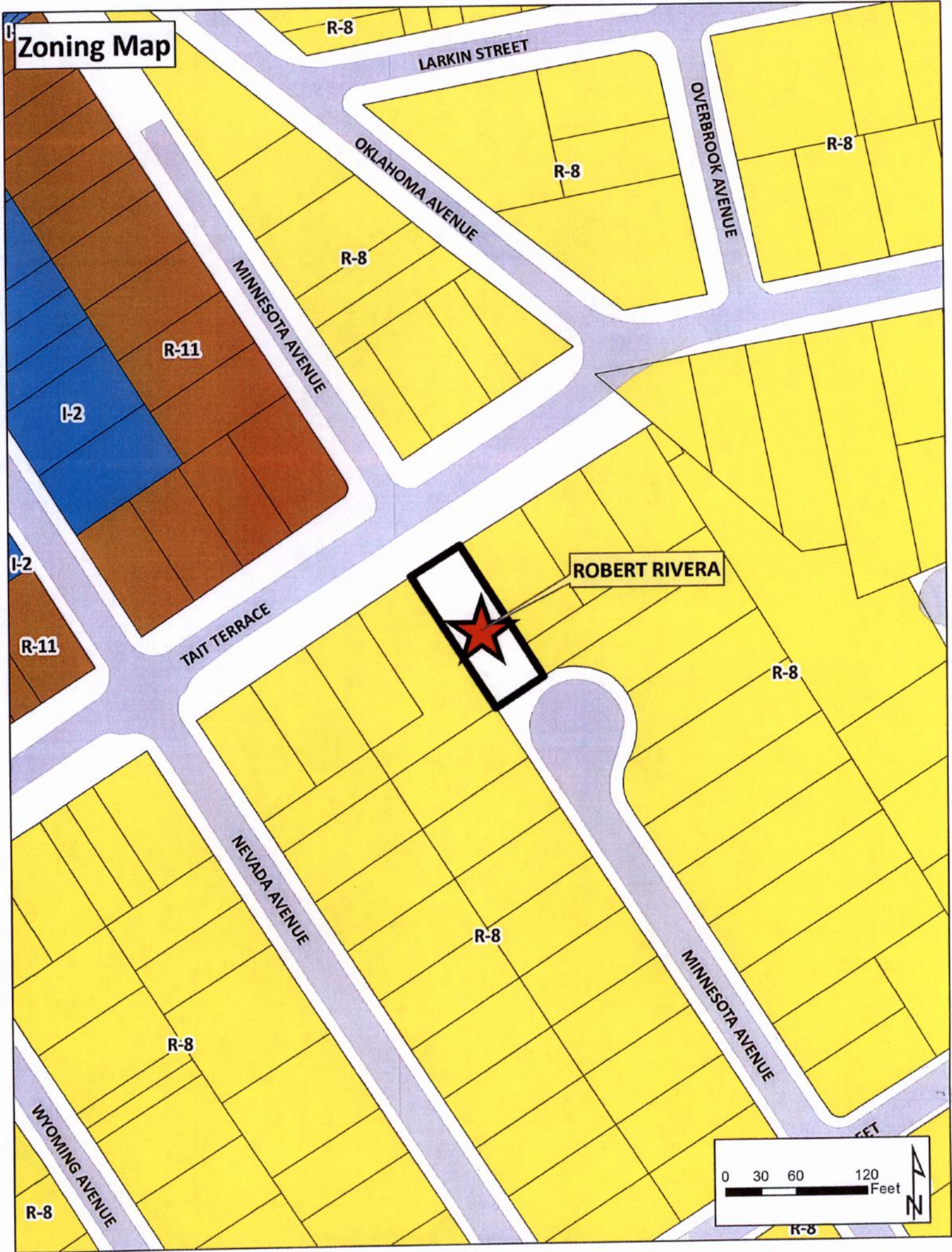


ROBERT RIVERA

0 20 40 80 Feet



Zoning Map



ROBERT RIVERA

